



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 12-F-1149

Mr. Tom Nash
MuckRock News
DEPT MR 1567
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Nash:

This letter acknowledges the receipt of your July 24, 2012, Freedom of Information Act (FOIA) request for "any memos, emails, or reports regarding the decision to allow military service members to march in uniform in the 2012 San Diego gay pride parade." We received your request on July 25, 2012 and assigned it a request # 12-F-1149.

You should know that we will be unable to respond to your request within the FOIA's 20 day statutory time period as there are unusual circumstances which impact on our ability to quickly process your request. These unusual circumstances are: (a) the need to search for and collect records from a facility geographically separated from this Office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. For these reasons, your request has been placed in our complex processing queue and will be worked in the order the request was received. Our current administrative workload is 1,276 open requests.

With regard to your request for a fee waiver, decisions to waive or reduce fees are made on a case-by-case basis. A fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester," 5 U.S.C. § 552(a)(4)(iii). I will make a decision on your request for a fee waiver after a search for responsive documents is conducted and the volume and nature of the records are determined.

In further reference to fees, I have determined that your request should be placed in the "other" fee category. Accordingly, you are entitled to the first two hours of search time at no charge, and the first 100 pages of duplication free of charge. Subsequent processing will be assessed at the established Department of Defense (DoD) fee rates of: professional search time--\$44 per hour; executive search time--\$75 per hour; and document reproduction at \$0.15 per page.

The action officer assigned to your request is Mr. Paul Levitan and may be reached at (571) 372-0464 or paul.levitan@whs.mil. You may also write to this Office at the above address. The toll free number for this Office is 866-574-4970.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 12-F-1149, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul J. Jacobsmeyer
Chief

